

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

April 21, 2011

In the Matter of BEEHLER/SIEKIERKA/BLOCK,
Minors.

No. 300724
Clinton Circuit Court
Family Division
LC No. 09-021350-NA

Before: METER, P.J., and SAAD and WILDER, JJ.

PER CURIUM.

Respondent appeals as of right from the trial court order terminating her parental rights to her minor children, son, A.B., and daughters, R.B. and J.S., under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue), (g) (failure to provide proper care or custody), and (j) (reasonable likelihood of harm if children return to parent's home). We affirm.

Respondent's children were removed on May 29, 2009, after she left then four-year-old R.B., unsupervised and police found RB's cousin crying outside. Police had been to this location before. Respondent admitted daily marijuana use, and her screens were positive for THC from June 16, 2009 to July 23, 2009.

Respondent signed a parent agency agreement in July 2009 and initially did quite well with services. She had substance abuse and psychological evaluations, completed parenting classes, attended counseling, had all negative drug screens, and visited the children regularly. She also worked on her GED and then obtained employment and had suitable housing for a time. The court found she was making good progress, and she was granted extended and unsupervised visits. However, around April 15, 2010, respondent stopped participating in all services except visitation. She tested positive for THC on May 27, 2010, June 3, 2010, and June 9, 2010. The June 9, 2010 screen had a large concentration of the drug. After this, respondent quit therapy and did not consistently visit the children. The court suspended visitations on July 29, 2010, and, after a hearing, terminated respondent's parental rights on October 4, 2010.

Respondent contends that the trial court erred in terminating her parental rights where she substantially complied with the case service plan for the majority of the time. We disagree.

Termination of parental rights is appropriate where petitioner proves one or more grounds for termination by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000); *In re B & J*, 279 Mich App 12, 17; 756 NW2d 234 (2008). This Court reviews the

lower court's findings under a clearly erroneous standard. MCR 3.977(K); *In re Mason Minors*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999).

As noted, respondent's parental rights were terminated under MCL 712A.19b(3)(c)(i), (g), and (j), which provide:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

* * *

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

In the present case, the trial court's findings were not clearly erroneous. As noted above, respondent's three children were removed from her home after she left R.B. unsupervised at night. While respondent made good progress for some time under court supervision, she began testing positive for drugs again in May and June 2010. Moreover, she stopped attending counseling, lacked suitable housing (at one point, respondent lived in her car), could not maintain employment, and stopped communicating with the caseworker. Giving her more time or services would have been very unlikely to produce lasting, positive changes. A parent must benefit from services in order to provide a safe, nurturing home. *In re Gazella*, 264 Mich App 668, 676-677; 692 NW2d 708 (2005), superseded in part on other grounds as stated in *In re Hansen*, 285 Mich App 158, 163; 774 NW2d 698 (2009). The trial court's findings that respondent did not benefit from the services provided to her and the children were at risk of physical and emotional harm were supported by the evidence.

We also find no clear error in the court's determination that termination was in the children's best interests. MCR 3.977(H)(3), (K); MCL 712A.19b(5); *Trejo*, 462 Mich at 356-357; *In re Foster*, 285 Mich App 630, 633; 776 NW2d 415 (2009). The evidence did show a bond between respondent and the children. However, R.B. was being reunited with her father, A.B. had extreme behavior problems, and J.S. was very young and needed daily breathing treatments for asthma. Respondent's drug use and instability with respect to her housing and employment meant that she would be unable to provide the children with a safe, stable, and permanent home.

Affirmed.

/s/ Patrick M. Meter
/s/ Henry William Saad
/s/ Kurtis T. Wilder